

Consultation Analysis:

Guidance on Children's Rights (Part 1, section 2) and Children's Services Planning (Part 3) of the Children and Young People (Scotland) Act 2014



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Executive Summary

The Children and Young People (Scotland) Act 2014 (from herein referred to as ‘the Act’) sets out fundamental reforms to the way services for children and young people are designed, delivered and reviewed. As part of the Act the Scottish Government provided guidance on Part One (section two) Children’s Rights and Part Three Children’s Services Planning. In examining this guidance the Scottish Government undertook a public consultation on these two elements, which invited views on the scope and use of the guidance, and the relationship between the two parts. This consultation analysis examined responses to both parts of the guidance.

Fifty-eight responses to the consultation were received: 55 from organisations, and 3 from individuals. Organisations included third sector (14), local government (12), local partnerships (5), public bodies (12) and health boards (7), amongst others.

On the whole both parts of the guidance were well received. A number of key themes emerged across the consultation and across the two parts of the guidance, gaps were also identified, and suggestions for improvements provided. The main themes and recommendations to emerge across both parts of the guidance include:

- Generally positive response to the guidance and its aims, but some wish it to go further.
- Welcome the embedding of children’s rights (in both aspects of the guidance), but more connection with the United Nations Convention on the Rights of the Child (UNCRC) was sought. Some felt that children’s rights should be the starting point with everything else stemming from that. More emphasis within Part Three would also be welcomed.
- The aligning of ‘rights’ and ‘wellbeing’ was, to a degree, controversial but broadly well-received.
- Guidance on engaging with children and young people was applauded, but further detailed guidance is needed for some regarding consulting with disadvantaged or vulnerable children to ensure all children and young people are involved. Associated to this, concerns were raised regarding organisations capacity to consult with children and young people and how it would be maintained looking towards the future.
- Freedom to publish the children’s rights reports and children’s services plans in accessible manners was welcomed.
- Requests for baseline or minimum national standards to be produced and what this will look like given the flexibility in producing children’s rights reports and children’s services plans.
- The guidance was seen as a welcome opportunity to work together across organisations, both locally and nationally – although there are concerns of how this will work in practice.
- There was a considerable need for the guidance to connect with wider policy and legislation.
- Incorporating all organisations (big and small) in to plans and reports was welcomed but a number of concerns regarding how it will be supported and realised in practice were raised.
- More guidance and examples of how the services plans and rights reports will be produced would be appreciated by many.

Introduction

Background to the Guidance

The Children and Young People (Scotland) Act 2014¹ (the Act) sets out fundamental reforms to the way services for children and young people are designed, delivered and reviewed. The legislation forms a key part of the Scottish Government's strategy for making Scotland the best place to grow up.

The Act, underpinned by the Scottish Government's commitment to the United Nations Convention on the Rights of the Child (UNCRC) and the national children's services improvement programme, Getting It Right for Every Child (GIRFEC), also establishes the new legal framework within which services are to work together in support of children, young people and families.

The guidance for Part One (section two) and Part Three aims to assist those with responsibilities within public authorities and relevant organisation to implement and deliver key provisions of the Act, namely to produce reports on children's rights and regarding children's services planning.

Part One (section two) of the guidance reflects the new duties placed on a range of public authorities (including all local authorities and associated health boards) to report on the steps they have taken to ensure children's rights are kept under consideration and furthered where possible. As well as promoting and raising awareness and understanding of the UNCRC amongst children and young people, the duty outlined asks public authorities to publish reports every three years to explain what they are doing to encourage and support children's rights. The guidance put forward is non-statutory and is aimed at public authorities with responsibilities for implementing and delivering on the provisions of the Act.

Part Three of the Act introduces a range of new duties, requiring certain public services to work together to design, plan and deliver services for children and families. It seeks to improve outcomes for all children and young people by ensuring that local planning and delivery of services is integrated, focused on securing quality and value through preventative approaches, and dedicated safeguarding, in addition to supporting and promoting child wellbeing. To achieve this, Part Three sets out a statutory framework for children's services planning including its scope and aims.

Responsibility for this planning rests with local authorities and health boards, as well as with a range of other local and national bodies who consult with, or who are obligated to participate, at various stages of the plans development. The plans should demonstrate what local authorities and health boards are doing to ensure that services are integrated for service users (including children, young people, and families), that they make the best use of resources and are meeting their aims to safeguard, support and promote wellbeing, early intervention and prevention.

Although, covering different aspects of the legislation and forming statutory and non-statutory guidance, there are significant connections between Part One (section two) and Part Three of the guidance and so have been consulted on jointly.

¹ Available at: http://www.legislation.gov.uk/asp/2014/8/pdfs/asp_20140008_en.pdf

The Consultation Process

The consultation was open from the 21st March to 13th June 2016 and included a one-off consultation event. The full day event, held on the 31st May 2016, was open to a range of stakeholders and Scottish Government staff with the morning spent discussing the guidance around Part One (section 2) and the afternoon, Part Three. Group discussions were based around the questions asked within the consultation with feedback provided both orally on the day and written after the event. This analysis does not include contributions from the stakeholders event but have and will continue to inform future discussions regarding the guidance. Many of themes raised on the day were reflected in the responses to the consultation as a whole.

The consultation consisted of thirteen questions. Six questions were put forward regarding Part One (section two), including a question on the links between Part One and Part Three of the guidance, and seven questions regarding Part Three. The questions invited respondents to share their views on aspects of the proposed guidance, the core notions it built upon, and to provide any additional comments or further suggestions they had.

Both quantitative and qualitative approaches to analysing the responses were adopted to reflect the nature of the consultation questions, many of which supported both closed and open responses. The ten closed questions provided either a 'yes' or a 'no' response option. Only eight of these gave space allowing for additional comments though only asked directly for suggestions on improvements. Three questions were open and asked for further comments (two) and about the links between Part One (section two) and Part Three of the guidance.

The submitted responses to the consultation came in different formats. Most of the responses were submitted via the online portal Citizen Space (38 responses), with others emailed through to the consultation team (20 responses). Some of the responses emailed did not follow the consultation response form layout. In regard to the closed questions, these responses were categorised by the analyst, where arguments for and against were presented by respondents it has been quantified in the analysis as 'to an extent' by the analyst. The open questions were integrated using the analysts best judgement to ensure these responses were captured.

The responses were analysed under each question with key themes extracted. For any given question, the number of themes identified might be higher than the number of comments received as one comment could include a number of themes. Further analysis around the respondent type will also be detailed where appropriate.

The analysis is based on those who responded to the consultation and is therefore not necessarily representative of the wider population.

Who Responded

There were fifty-eight responses to the consultation. Of these, the majority (55) were received from organisations with 3 from individuals. A breakdown of respondents by category is detailed in the table below. This categorisation was carried out by the analyst.

Table 1: Respondent rates by category

Respondent Category	Number of Responses
Academic	1
Health Board	7
Individual	3
Local Government	12
Local Partnership	5
Public Body	12
Representative Body	4
Third Sector	14
Total	58

The most responses were received from third sector organisations who submitted 14, followed by local government (12) and local partnerships (12). Only 1 response was received from an academic institute and four from representative bodies.

Fifty-four respondents gave permission for their responses to be published online, with 38 of those allowing full disclosure, 16 requested for their response to remain anonymous. The publishable responses will be made available online in due course.

It is unclear in all but 2 of the responses from the organisations as to whether additional members, stakeholders or other individuals were involved in contributing to the single response received. In one case, there was no discussion on who was involved, just that a number of stakeholders were asked. In the other case, details were provided: two events were held by Glasgow Council for the Voluntary Sector, with a wide range of third sector organisations attending. There was a combined attendance of around 50 people, with 30 questionnaires returned, all of which fed in to their response to the consultation.

Some of the respondents to the consultation only answered the questions relating to either their service or to the aspect of the guidance that they would be involved in. Consequently not all of the 58 responders answered all questions; 53 answered all or some of the questions concerning Part One (section two) and 51 answered some or all the questions about Part Three.

Three respondents explicitly stated that they would only be responding to certain aspects of the consultation request. Connected to this, two organisations submitted two separate responses; one answering Part One (section two) and the other Part Three consultation questions. These have been treated as separate responses for the purpose of the analysis. The number of respondents to each question will be clearly detailed as each question is discussed.

The level of detail provided in the open text space as comments differed considerably across the responses. Of note, the more detailed comments were often linked to third sector organisations and local partnerships respondents. This has been taken into consideration during the analysis.

Structure of report

A brief introduction will conceptualise the two distinct parts of the guidance and the associated objectives. The remainder of the report will present a question-by-question analysis of submitted responses; Section One focusing on Part One (section two) and Section Two on Part Three. Each of the questions will then be examined in turn exploring the respondents views on the guidance, this will include any issues or concerns raised. Both quantitative and qualitative data will be drawn upon in presenting the analysis. Summary tables will illustrate the breakdown of responses to each question.

Section One: Part One (section two) – Children’s Rights

Overview

Part One (section two) of the Children and Young People (Scotland) Act 2014 places a duty on a range of public bodies (including all local authorities and its relevant health boards) to report on the steps they have taken to better secure, or give further effect to, the requirements under Part One of the UNCRC. The guidance is non-statutory and aimed at those with responsibilities within public authorities for implementing and delivering on the provisions of the Act.

Six questions were asked about Part One (section two). The questions examined key concepts within the guidance including: the amount of information regarding UNCRC and child rights-based approaches (1); the suggested framework for reporting (2); the clarity of key terms (3); the relationship between rights and wellbeing (4); the description of links between Part One (section two) and Part Three (5); and any other comments (6). Three of the questions (2, 3 and 4) also invited suggestions for further improvement or changes.

On the whole, the guidance for Part One (section two) was received positively. Many respondents commented that it was clear. The response to question three regarding the clarity and understanding of key terms used in the guidance was less positive with a number of concerns being raised. Many of the respondents also provided suggestions for improvements and changes to enhance the guidance. Each question will now be discussed in turn.

Question One

Is there sufficient information on the UN Convention on the Rights of the Children and child rights-based approaches to support an understanding of the Part One (section 2) duties under the 2014 Act?

Forty-nine respondents answered this question, with 13 providing additional comments. Of the 49 responses to the question, 40 agreed that yes there was sufficient information in the guidance regarding the UNCRC and child rights-based approaches to support an understanding of the duties expected. Two respondents agreed to an extent, whilst 7 respondents stated no, there was not sufficient information to understand the duties expected. This information, alongside respondent category, is detailed below in the table below.

Table 2: Question One response breakdown

	Yes	No	To an extent ²	Not answered	Comments
Academic	0	1	0	0	0
Health Board	6	0	1	0	2
Individual	3	0	0	0	0
Local Government	12	0	0	0	3
Local Partnership	4	1	0	0	1
Public Body	8	0	0	4	3
Representative Body	1	1	1	1	2
Third Sector	6	4	0	4	2
	40	7	2		
Total		49		9	13

As can be seen in table two: health boards, public bodies, local government, and local partnerships were in agreement that there was sufficient information in the guidance. Representative bodies and the third sector organisations were more varied in their response.

In analysing responses to this question³, many of the respondents felt that there was sufficient information in the guidance and that it was detailed enough to support duty holders in “developing their understanding and responsibilities” (Youthlink Scotland) for the UNCRC (9 mentions). Police Scotland also felt that there was “a good balance of information and interpretation provided”.

Although the response was positive, four comments stated concerns regarding the content of the guidance. The Law Society of Scotland felt that the guidance

² As deemed by the analyst

³ A relatively small proportion to the number of responses obtained primarily due to the designated response format in the online response form

represented a “diluted version of what is required [by duty holders] under the UNCRC”, and went on to state that the standards of the UNCRC should represent the starting point. A point which was replicated across a number of such comments. Youthlink Scotland furthered this point by asserting that there would be:

“a danger to continue to build knowledge based on inadequate article summaries [...] For the purpose of public body reporting on the furthering of UNCRC this must be based on understanding of the full article”.
(Youthlink Scotland)

This was a recurring theme that emerged across the consultation.

Further comments felt that the guidance was:

- too long (3 mentions).
- inconsistent in its use of phrases across the guidance and legislation (1 mention).
- neglected specific rights (1 mention).

An executive summary was also recommended by a number of commenters to digest the considerable amount of information and interpretation provided (4 mentions). This comment, in particular, came from organisations that would be considered ‘reporters’ under the legislation.

Question Two

Is the suggested framework for reporting on children's rights helpful? Can you suggest other information or details that would be useful?

Forty-eight respondents answered this second question, with 38 providing additional comments. Thirty-six of the comments offered suggestions and further insights into the framework put forward by the guidance.

There was a strong agreement that the suggested framework for reporting children's rights was helpful (44 respondents). Only four respondents believed that it was not helpful. This information is detailed below in Table 3⁴.

Table 3: Question Two response breakdown

	Yes	No	Not answered	Comments
Academic	1	0	0	1
Health Board	7	0	0	5
Individual	3	0	0	1
Local Government	11	1	0	10
Local Partnership	4	1	0	5
Public Body	8	0	4	6
Representative Body	1	0	3	1
Third Sector	9	2	3	9
	44	4		
Total	48		10	38

The majority of comments found the framework to be clear and helpful (15 mentions) in providing guidance on how to compile child rights reports. In particular the following aspects of the framework were seen to be helpful and aid in reporting:

- the reflective statements (9 mentions; pages 21-32),
- the clusters framework (9 mentions; pages 21-32), and
- the content of Appendix 3 on the links between SHANARRI wellbeing indicators and the articles of the UNCRC (7 mentions; pages 51-52).

Two commenters remarked that the reflective statements did not place a large enough emphasis on evidence (LGBT Youth Scotland) and it was suggested that they should be repositioned as challenge questions (Youthlink Scotland). Four commenters welcomed the freedom to publish reports in any appropriate manner allowing for accessibility and flexibility.

Connected to this a number of commenters were concerned about gathering and developing accurate baseline data and or minimum standards (9 mentions) and how this might affect national comparisons (2 mentions) given the flexibility around reporting. North Lanarkshire Council felt it would be a "missed opportunity" to not

⁴ None of the responses were categorised as 'to an extent' by the analyst.

explicitly mention how the local reports developed would feed in to national reporting on children's rights.

Of the 4 respondents that felt the framework was not helpful, there was no singular reason provided, other than: guidance is non-specific (2 mentions) and lacks clarity around who should provide reports (2 mentions).

Four commenters considered the guidance was insufficient in terms of different population groups and felt that there was a lack of reference to the rights of particular children⁵ and that the rights reporting framework put forward might not capture the nuances of such children's rights. Child Poverty Action Group (CPAG) added that there is: "no mention on the list [paragraph 81, pages 22-23] of the need to consider the extent to which rights have been realised to a greater or lesser extent for different population groups". CPAG went on to suggest that to ensure all children's rights are reported on: "each cluster should include a statement such as, 'We have frameworks in place to measure the extent to which our protection and promotion of rights is effective for all children'".

Additional comments were also made regarding the prominence, or perceived lack of, of the UNCRC (5 mentions), adding to other comments throughout the consultation. Concerns that child rights reports would be simply "appended to plans" (Youthlink Scotland) or appear secondary to other reporting were raised. Connected to this The National Deaf Children's Society felt that although the cluster framework (pages 21-32) and the table linking SHANARRI wellbeing indicators and the articles of the UNCRC (Appendix 3; pages 51-52) were useful, a number of the UNCRC articles were missing. They went on to state that as both are non-exhaustive there is a real risk that some of the key rights will be overlooked.

Other comments and suggestions included:

- The role of parents and corporate parents should be further detailed, particularly in terms of producing reports (4 mentions).
- The wider connections of the guidance with other policy and legislation (3 mentions). A point that recurs throughout the consultation.
- The suggestion for a mechanism to share good practice would be beneficial (2 mentions).
- The guidance should include the new cluster area added by the UNCRC recently (Violence Against Children) in the cluster framework provided (pages 21-32; 2 mentions).
- The role of youth workers in facilitating baseline data collection and consultations with children and young people should be widely acknowledged (1 mention).
- In the table, linking the SHANARRI wellbeing indicators with the UNCRC articles (Appendix 3; pages 51-52), it should be reworked to demonstrate that children's rights are seen as the starting point and not wellbeing (1 mention).

Of note, two commenters also suggested that due to the lack of clarity in the guidance regarding who should compile reports, tension could be caused between local and national agencies.

⁵ For example, those with disabilities or those part of the LGBT community etc.

Question Three

Does the guidance make clear what the terms “secure better” and “give further effect” mean in the context of Part One (section two) of the 2014 Act? What changes to the guidance would you suggest?

There were 47 respondents to the third question, with 39 providing additional comments. There was considerable agreement across respondents that the terms “secure better” and “give further effect” were not understood or made clear in the guidance (30 respondents). A breakdown of the responses is detailed below in Table 4.

Out of those who responded to the question: health boards and public body respondents were split, equally and relatively equally, respectively. Whereas a significant proportion of local government and third sector organisations did not feel the terms were clear (though five from the third sector did not answer the question).

Table 4: Question 3 response breakdown

	Yes	No	To an extent ⁶	Not answered	Comments
Academic	1	0	0	0	0
Health Board	3	3	1	0	6
Individual	3	0	0	0	1
Local Government	2	10	0	0	11
Local Partnership	2	3	0	0	5
Public Body	3	5	1	3	8
Representative Body	0	1	0	3	1
Third Sector	1	8	0	5	7
	15	30	2		
Total		47		11	39

Many of the comments reflected data presented above:

- Difficult to understand/vague (7 mentions).
- More clarity needed (6 mentions).
- Open to interpretation (6 mentions).
- Stronger, explicit, definition required (9 mentions).

Examples were seen as a way to better aid understanding (6 mentions). Four commenters suggested including the terms in the ‘interpretation of frequently used terms’ section (page 4) to further enhance clarity.

Three commenters suggested their own interpretations of the terms:

⁶ As deemed by the analyst.

- “‘Securing better’ could be taken to mean a focus on improvement of current practice, with ‘giving further effect’ could mean extending the remit of plans to cover new areas of practice, but a wide range of other interpretations are possible.” (Children 1st and Barnardo's Scotland)
- “Could interpret the meaning to be ‘progress’ and ‘improvement’” (Youthlink Scotland)
- “‘Securing better’ could be taken to mean a focus on improvement of current practice, with ‘giving further effect’ could mean extending the remit of plans to cover new areas of practice, but a wide range of other interpretations are possible” (Healthcare Improvement Scotland).

Three commenters explicitly mentioned that although they found the terms ‘secure better’ and ‘give further effect’ to be clear and understandable they may need to be simplified for a lay audience or those not familiar with policy words. Another commenter felt the terms were imprecise, but that meaning would emerge by consensus over a period of cycles. Whereas another commenter suggested using more common phrases to aid understanding.

Additionally, four commenters mentioned that it would be useful to connect these terms to baseline measures, but one of the commenters stated that this should only occur after stronger definitions are put in place. One respondent felt the terms were subjective and further detail was required to make the statements objective and measurable.

Question Four

Is the relationship between 'rights' and 'wellbeing' clear? What changes to the guidance do you suggest?

The fourth question regarding Part One (section two) of the guidance was answered by 49 respondents. Of those, 37 responded yes, they felt that the relationship between 'rights' and 'wellbeing' was clear. This included all local government and the majority of the health board respondents. The third sector respondents were split between yes and no, with a proportion also falling in to the 'to an extent' category. Two of the representative body respondents stated that they disagreed with the question in its entirety. This information is illustrated below in Table 5.

Table 5: Question 4 response breakdown

	Yes	No	To an extent ⁷	Disagree	Not answered	Comments
Academic	0	1	0	0	0	1
Health Board	6	1	1	0	0	6
Individual	3	0	0	0	0	1
Local Government	12	0	0	0	0	10
Local Partnership	4	1	0	0	0	5
Public Body	7	1	0	0	4	7
Representative Body	1	0	0	2	1	2
Third Sector	4	3	3	0	4	8
	37	6	4	2		
Total			49		9	40

Many of the commenters considered the distinction between 'rights' and 'wellbeing' to be well explained (2 mentions), with clear links (6 mentions). Perth and Kinross Council added: "wellbeing is becoming embedded in practice and will support understanding of the arguably more complicated rights agenda".

A number of commenters also found Appendix 3 (pages 51-52) to be very helpful in matching the UNCRC articles to the SHANARRI wellbeing indicators (15 mentions). Two commenters from the third sector did express concern regarding Appendix 3 suggesting that not all who refer to it will appreciate that it is a non-exhaustive list of the UNCRC articles. Incidentally, one commenter (a reporter under the legislation) explicitly stated how useful the appendix will be as a checklist for developing future child rights reports.

Two respondents explicitly disagreed with the premise of linking 'rights' and 'wellbeing' in its entirety (The Law Society of Scotland and the Faculty of

⁷ As deemed by the analyst

Advocates). The Law Society of Scotland were concerned with the term 'wellbeing' and the terms 'welfare' and 'best interests' being aligned. This is furthered by the Faculty of Advocates who felt the guidance confuses and interchanges the two very different concepts of 'wellbeing' and 'welfare', and reiterates that the point of the legislation is to: "direct attention to the requirements of the UNCRC".

Following on from this, four commenters felt that the guidance needed to be explicitly clear that 'rights' and 'wellbeing' are not the same thing. The Children and Young People's Commissioner summarises these concerns:

"Rights and 'wellbeing' are both important, but they are not synonymous and are often in competition with each other. Whilst both are concerned with seeking improvement in children and young people's lives, they have different rationales and purposes. Child wellbeing could be said to be more aspirational – and possibly

more ambitious – and include ideas such as love and happiness, whereas children's rights focuses on minimum standards to which children and young people are entitled to and, importantly, that States (as the duty bearers and contracting party to the UNCRC) have obligations to provide (and can be held to account when they fail to do so). Importantly, the CRC is based on the recognition that children are holders of rights." (Children and Young People's Commissioner)

Supporting this argument, the National Deaf Children's Society states: "there is a risk the guidance leads to an assumption that the SHANARRI wellbeing indicators will successfully reflect the application of children's rights under the UNCRC". This was echoed by Children in Scotland. Two health board respondents also highlighted the potential situation where a child's or young person's rights and their wellbeing could be in conflict. Both called for the guidance to consider such circumstances.

Numerous commenters provided suggestions to better improve the relationship between 'rights' and 'wellbeing', many of which have already been outlined. Other practical suggestions included:

- Providing real world, worked examples (3 mentions).
- Training on the use of the CRIWA tool (pages 14-18; 2 mentions).
- Adding in particular reference tools that have been used previously (e.g. Education Scotland and GIRFEC tools) (2 mentions).
- Embed the SHANARRI wellbeing indicators, the UNCRC, and the Curriculum for Excellence to further connect the guidance (2 mentions).

Question Five

Is the description of the links between the duties under Part One (section two) and Part Three of the guidance clear and useful?

There were 45 responses to this question, details of which are shown in Table 6 below. Of these responses, forty-three considered the link to be clear and useful. Only one respondent from a public body did not feel the link was clear, unfortunately there was no comment from this respondent to enable further exploration. Thirteen respondents provided additional comments and thirteen did not answer the question.

Table 6: Question Five response breakdown

	Yes	No	To an extent ⁸	Not answered	Comments
Academic	1	0	0	0	0
Health Board	7	0	0	0	3
Individual	3	0	0	0	0
Local Government	12	0	0	0	4
Local Partnership	5	0	0	0	1
Public Body	6	1	0	5	3
Representative Body	1	0	0	3	0
Third Sector	8	0	1	5	2
	43	1	1		
Total		45		13	13

A significant proportion of respondents considered the description and the links connecting the two aspects of legislation were clear and useful (8 mentions), well-established (1 mention) and welcome (1 mention). NHS Lanarkshire did, however, add that it required “reading frequently” to fully understand, but that the examples provided were helpful. Fife Community Planning Partnership, felt that the guidance would benefit from having these links strengthened further.

One commenter (a reporter under the legislation) enjoyed the flexibility around aligning Part One and Part Three duties of reporting. Conversely, another commenter (also a reporter) felt that although reporting together would be useful, Part One was broader and did not want it to be limited by the alignment. Police Scotland also raised concerns that rights reporting must go further than simply what is contained in the children’s services plans.

Children in Scotland commended Part One of the guidance in “maintaining that children and young people should be consistently involved in decisions that affect

⁸ As deemed by the analyst.

them” but in Part Three they felt that “the guidance on how they should do this [consult children and young people] is far less evident”. They felt that this needed to be consistent and promoted across both aspects of the guidance. This theme connects with a number of other comments from across the consultation about the capacity and guidance surrounding involving children and young people in developing rights reports and service planning.

Question Six

What other comments do you have on the Part One (section two) guidance? Please cite specific parts of the guidance if relevant?

Thirty-eight, out of 58, respondents provided additional comments on Part One (section two) of the guidance. Comments covered a range of topics, though fell under the following broad headings: training and professional development, participation of children and young people, rights, and working with others. These will now be explored.

Training and Professional Development

A handful of comments mentioned aspects of the guidance regarding training and professional developments.

- Two comments welcomed the use of the common core for training and development (Youthlink Scotland and NHS Lanarkshire).
- One respondent (not considered a reporter) felt that training should be made available to all organisations and individuals not just those directly involved in rights reporting.
- The Care Inspectorate and Youthlink Scotland both directed attention to additional training materials and opportunities to assist in engaging children and young people in rights (e.g. UNICEF Rights Respecting in School).

Participation of Children and Young People

A few comments arose around the participation and engagement of children and young people; a theme which is seen across the consultation.

- One commenter (a reporter) felt that there was a need to produce an accessible version of this guidance explaining the duty and purpose of child rights reports for children, young people and their families to assist in their engagement in the process.
- Related to this, Children's Hearings Scotland queried who would be responsible for developing such further information and warned over potential duplication or neglect.
- The National Deaf Children's Society suggested that explicit reference to third sector organisation involvement should be made as a means of ensuring that all children's voices are heard, stating that: "these organisations are best placed to provide information and support on how best to consult with these groups in a meaningful way".
- This also picks up two concerns from a health board and local partnership that not all children and young people will be involved, potentially neglecting those in disadvantaged groups.
- Two commenters (both reporters, a health board and public body) felt that joining rights reports and services plans will make involving children and young people easier and perhaps enable "collaborative consultation".
- Children in Scotland raised the point that all children, young people and families involved must be fully informed and provided with the skills and expertise to enable their full participation in preparing, producing and scrutinising Children's Right's Reports and Child Planning Reports.

Children's Rights

Six comments discussed children's rights:

- The National Deaf Children's Society raised further concerns as to whether the provision in the guidance was enough to "make rights real" for all children.
- The Law Society of Scotland also reiterated that all other rights relating to children and young people should be included in the guidance to ensure that those overlooked are not left out of the agenda.
- Three additional commenters (Children and Young People's Commissioner; Together; NHS Lanarkshire) felt that more should be done to ensure that the children's rights are universally considered across all areas and services provided by local authorities and health boards such as adult services, planning and economic development.
- The Faculty of Advocates also questioned the examples provided and whether they truly reflected the requirements laid out by the UNCRC (the example of page 28 of the document was referred to in particular). Reflecting further concerns raised throughout the consultation on the distilling of the UNCRC articles accurately and appropriately

Working Together

In terms of working together:

- A large number of comments (from a range of organisations) queried how local rights reports will connect with national reports (7 mentions). In particular:
 - o How should this be achieved?
 - o How will national agencies feed into local reports and is this expected?
 - o How will the timescales fit together?
- Three commenters were concerned over the perceived lack of governance and accountability within the guidance of working with partnerships, staff and representatives.
- Children 1st and Barnardo's Scotland also voiced concerns over the lack of direction and guidance on public scrutiny processes.
- Three other commenters (two health boards and a third sector organisation) recommended the guidance around working with others be further emphasised to ensure no opportunities are missed.

Additional comments received for this question ranged in topic:

- Four comments expressed an important need for measurable baseline data to assess progress (Police Scotland, West Dunbartonshire Health and Social Care Partnership, Fife Community Planning Partnership, and Children in Scotland). This is a recurring theme within a number of consultation response questions.
- Links to other duties in across other legislation and their associated reporting procedures would be welcomed by four commenters (local partnership, health board, third sector, and public body). This was also a recurring theme.
- Five commenters suggested that more examples would be useful, including case studies.
- Two additional commenters would like to see a resource in place to share learning and best practice.
- An executive summary of the guidance was seen to be useful (3 mentions).
- The Law Society of Scotland, reminded that consideration must be paid to the distinction between children and young people as they are two very different age groups.

This analysis of additional comments is not exhaustive of the comments provided. The comments and points included are a representative sample and summary of those obtained. All other recommendations will be provided to the policy team separately.

Section Two: Part Three – Children’s Services Planning

Overview

Part Three of the Act relates to children’s services planning and seeks to improve outcomes for all children and young people in Scotland by ensuring that local planning and delivery of services is integrated, focused on securing quality and value through preventative approaches, and dedicated to safeguarding, supporting, and promoting child wellbeing. To this end, Part Three guidance sets out a legal (statutory) framework for children’s services’ planning, including its scope and aims.

Seven questions were asked about Part Three of the guidance. The questions examined key concepts within the guidance including: the purpose and objectives (1); the roles and responsibilities of different public agencies (2); consultation of the plans and the associated process (3); the clarity of key terms (4 and 5); the links between Part Three duties and other planning requirements (6); and, any other comments (7). Five of the questions (1, 2, 3, 4 and 5) also invited suggestions for further improvement or changes.

On the whole, the guidance for Part Three was well received. Many respondents commented that it was clear and welcomed the collaborative approach outline, but did raise concerns around how it will work in practice. In particular, the role of smaller and third sector organisations in service planning was seen positively but concerns regarding capacity and potential neglect were raised. The recurring theme of engaging with children and young people in consultation was also replicated. Additionally, a number of respondents provided suggestions for improvements and changes to enhance the guidance. Each question will now be discussed in turn.

Question One

Is the guidance sufficiently clear about the purpose and objectives of Part Three? How could this be improved?

Forty-six responses were submitted to this first question regarding Part Three of the guidance. Thirty-seven respondents considered the guidance to be sufficiently clear around its purpose and objectives. All of the public bodies who responded⁹ and all but one of the local government respondents deemed the guidance was clear. Whereas, the third sector responses were more mixed, with only marginally more finding the guidance clear on Part Three's purpose and objectives. Of the 37 responses, 31 provided additional comments. Details of the responses are shown in Table 7.

Table 7: Question One response breakdown

	Yes	No	To an extent ¹⁰	Not answered	Comments
Academic	0	1	0	0	1
Health Board	7	0	0	0	6
Individual	3	0	0	0	0
Local Government	11	1	0	0	8
Local Partnership	3	1	0	1	2
Public Body	6	0	0	6	4
Representative Body	1	0	0	3	0
Third Sector	6	5	1	2	10
	37	8	1		
Total		46		12	31

Many of the commenters:

- Felt the guidance was clear (14 mentions).
- Welcomed the flexibility (3 mentions), although one commenter also cautioned this over the need for consistency across local authorities.
- Felt the guidance was explicit (2 mentions).
- Felt the guidance was useful (2 mentions).
- Thought there was an appropriate level of detail (2 mentions).

A small number of commenters however found the guidance to be jargon-laden (1 mention), challenging (1 mention), and overly explicit and instructive (1 mention).

Five commenters felt more was needed to incorporate children and young people's role in the development and production of plans to ensure that their voices were heard. Children in Scotland stated that this involvement was "largely absent

⁹ Note: only half of all the public body respondents answered this particular question

¹⁰ As deemed by the analyst

throughout the guidance for Part 3, as the first mention of children and young people's participation is not until paragraph 120 and at that, it is vague in its meaning". One commenter did welcome the duty to publish the children's services plans in appropriate formats to make them accessible to all. These are both recurring themes in the consultation.

Furthermore, five commenters wished to see increased attention in Part Three of the guidance to children's rights and outcomes associated with it. As one organisation stated: "there is a need to be more specific about the role of children's services planning in relation to different aspects of UNCRC". Youthlink Scotland also said that: "it is important that Part 1 does not sit in isolation, but rather that child rights permeate the thinking, approach and implementation of all parts of the Act". Similar to this, Police Scotland feared that if the guidance for Part Three is viewed in isolation it could narrow the focus towards outputs rather than outcomes.

Further comments regarding improvements covered a range of topics:

- A need to link the guidance to other reporting and planning legislation¹¹ (4 mentions). A recurring theme throughout the consultation.
- Concerns that the timescales put forward will be challenging to meet (3 mentions), specifically in terms of how it links (or fails to link) to other planning timescales.
- The guidance will require cultural and practice changes at the level of service planning which could prove difficult (2 mentions).
- Play is not mentioned as a service within the guidance, which should be amended (2 mentions).
- Concerns regarding missing data on those with disabilities and how they will be captured accurately within the plans (1 mention).
- A need to highlight transitions as a key aspect of children's services planning (1 mention).

¹¹ Such as: Integrated Joint Boards, NHS Local Delivery targets, Children's Improvement Programmes, Care Inspectorate, Re-aligning Children's Services Programme, and The Community Empowerment Act (Scotland) 2015

Question Two

Is the guidance clear about the roles and responsibilities of different public agencies with respect to Part Three duties? How could this be improved?

Forty-five responses were received regarding this question, with 31 responding that the guidance was clear. All of the health boards considered the guidance to be clear about the different roles and responsibilities contained in Part Three duties. Similarly all but one of the local government respondents agreed. The local partnership and third sector responses demonstrated more mixed views of the guidance. Details of the responses are shown in Table 8.

Table 8: Question Two response breakdown

	Yes	No	To an extent ¹²	Not answered	Comments
Academic	0	1	0	0	1
Health Board	7	0	0	0	4
Individual	3	0	0	0	1
Local Government	11	1	0	0	9
Local Partnership	2	2	0	1	3
Public Body	4	1	0	7	4
Representative Body	1	0	0	3	0
Third Sector	3	8	1	2	11
	31	13	1		
Total		45		13	33

Seven of the commenters found the guidance around the roles and responsibilities to be clear (7 mentions), with Appendix B (a list of the duties outlined in Part Three by person(s) and organisations; page 78) and the interpretation of frequently used terms (page 4) being particularly useful and clear (2 mentions each). Two commenters felt that it was a major step forward to see services working together with the focus of improving children and young people's wellbeing.

However, more detail and clarity was sought regarding how public agencies should engage with children, young people and their families in the process of developing and reporting on Children's Services Plans, including their obligation to do so (6 mentions). One third sector organisation felt that children, young people and their families voices should be front and centre in the creation and implementation of the plans, as well as incorporating those with additional needs and vulnerabilities. This replicates other comments from throughout the consultation. The Children and Young People's Commissioner Scotland also reflected that there was a lack of detail around parental involvement in service consultation and planning.

¹² As deemed by the analyst.

Two commenters felt that the guidance needed further definitions and supporting guidance or practical notes to ensure a full understanding. Concerns were also raised regarding the potential disparity around implementing the guidance across all local authorities and health boards (2 mentions), with one respondent reflecting that this may lead to a postcode lottery:

“If local authorities and health boards are left to make their own determination as to whether such important services have an impact on children’s wellbeing a postcode lottery of service provision could result, with very different impacts for children in differing geographic areas”. (Children 1st and Barnardo's Scotland)

A number of commenters provided suggestions for improvements to the guidance:

- Add a list of public agencies and named partners and their specific roles and responsibilities (3 mentions).
- Baseline information needs to be provided or supported to enable measurement of progress and directions of travel (3 mentions). This was a recurring theme across the consultation.
- Rather repetitive and could be made more succinct (2 mentions).
- More detail is required on accountability of local authorities and health boards (2 mentions).
- Provide more examples around the involvement of national organisations and their roles (2 mentions).
- Would benefit from further details around planning at transitions (1 mention).
- More education for other professionals e.g. GPs and AHPs around the content of the guidance (1 mention).
- Guidance is unclear about the relationship between public agencies and third sector bodies in the delivery of services to children (1 mention) and in terms of wider working (1 mention).
- Helpful to have a simplification of overlapping national policy requirements (1 mention, again, a recurring theme across the consultation).
- Planning should focus on improving outcomes and wellbeing, rather than simply aiming to promote wellbeing which seems less ambitious (1 mention)
- To highlight the roles and responsibilities of different public agencies perhaps use three headings: universal provision for children; targeted interventions for children; and related services (1 mention).

Question Three

With respect to the duty on local authorities and relevant health boards to consult in preparation of a Children's Services plan, is the guidance clear about the process which should be undertaken?
How could this be improved?

There were 47 responses to this question. Twenty-nine respondents considered the guidance to be clear on the process of consulting in preparing children's services plans, 18, however, disagreed.

All of the health boards, except one, considered the guidance to be clear. Additionally all but two of the local government respondents agreed. The local partnership and third sector responses demonstrated more mixed views of the guidance, with more disagreeing on the clarity of the guidance. Thirty-six respondents provided comments and suggestions for improvements, and 11 did not answer the question. Details of the responses are shown in the table below¹³.

Table 9: Question Three response breakdown

	Yes	No	Not answered	Comments
Academic	1	0	0	0
Health Board	6	1	0	5
Individual	3	0	0	0
Local Government	10	2	0	11
Local Partnership	1	3	1	3
Public Body	2	4	6	5
Representative Body	1	0	3	0
Third Sector	5	8	1	12
Total	29	18	11	36

Six commenters found the guidance to be clear, three commenters welcomed the space for creativity in consultation and engagement. One commenter found it helpful to suggest aligning consultation activity. Other comments praised particular areas of the guidance, including Appendix D containing further information and guidance (2 mentions) and the four-step process in section 8 (1 mention). However, two comments found that more explicit language and greater clarity is needed. One commenter felt the guidance was too prescriptive in this regard.

Of significant note, fifteen commenters considered more was needed to be done to ensure children, young people and their families were involved and engaged in the

¹³ None of the responses were categorised as 'to an extent' by the analyst

process of producing plans. Many of these commenters considered the guidance to be weak and should instead be more explicit and emphasised further (13 mentions). For example, Glasgow City Children's Services stated: "more emphasis should be placed on engagement with children and young people and how they can influence the plan". These responses came from a range of respondents across all categories and again replicated comments from across the consultation. Similarly, four commenters felt that a range of services users and organisations should be consulted to ensure community participation.

Other concerns raised included:

- More guidance on the reporting structure and how national agencies fit in to local (potentially very different) plans (4 mentions).
- Concerns around timescales associated with consultation (2 mentions).
- Concerns of consultation fatigue (2 mentions) and the long-term resource implications of ensuring sustaining real engagement with children and young people and families (1 mention).
- Insufficient information regarding issues surrounding consent and parental opting out of the support which could compromise a child or young person's wellbeing (1 mention). A repeated concern from Part One (section two) guidance.
- Concerns over how statutory agencies will take on their consultation duties and whether they will listen to and incorporate the views of third sector organisations (2 mentions).
- Concerned that the plans and process of development is not future proofed (2 mentions).
- Would like to see comprehensive reports and plans, and not simply vague statements of intent or practice (1 mention).
- More direction is needed on how to take account of different communities within each community planning area to ensure plans address varying local needs (1 mention) and concern for how this will be implemented (1 mention).

Many of the suggestions provided to improve the guidance around duties to consult have been mentioned, others included:

- More emphasis should be placed on involving Third Sector Interfaces to aid in mapping local children's services and to ensure collaboration with third sector organisations (4 mentions).
- Examples would be welcomed on best practice (3 mentions, all third sector organisations).
- More links with the Community Empowerment Act and other relevant legislation (3 mentions). A repeated theme throughout the consultation.
- Include, in the appendix, a visual diagram or flowchart of the development process which should be undertaken (3 mentions).
- Would like to see summary and accessible versions of the plan throughout the development process and draft plans made available (1 mention).
- Consider cross referencing aspects of this guidance with Part One (section two) guidance (2 mentions).
- Play organisations and local play forums should be acknowledged in the guidance considering their potential contributions to plans (2 mentions).
- More clarification around what 'effective opportunity' (paragraph 81, page 31) means in terms of the guidance (2 mentions).

- Include a schedule of consultation timescales within the appendix of the guidance (1 mention).

Question Four

Is the guidance sufficiently clear about what “information, advice and assistance” is in the context of preparing and implementing a children’s services plan? How could this be improved?

To the fourth question, 43 responded, with 31 finding that the guidance was sufficiently clear in what “information, advice and assistance” refers to. Twelve respondents felt it was not clear. Feelings regarding clarity were split equally between third sector respondents, yet more considered the phrase to be clear amongst the rest of the respondent groups. Twenty-eight comments were provided. More details can be found in Table 10¹⁴.

Table 10: Question Four response breakdown

	Yes	No	Not answered	Comments
Academic	1	0	0	0
Health Board	5	2	0	7
Individual	3	0	0	0
Local Government	9	3	0	9
Local Partnership	3	1	1	3
Public Body	4	1	7	1
Representative Body	1	0	3	0
Third Sector	5	5	4	8
	31	12	15	
Total		43		28

The guidance was considered to be clear for 11 commenters. The flexibility in the guidance was welcomed (1 mention) as was section 14 which discussed assistance in relation to children’s services planning (2 mentions). Both were found helpful to assist smaller organisations to participate (1 mention). Children 1st and Barnardo's Scotland, in a joint response, did raise concerns that the guidance provides little support to planners to empower smaller organisations to contribute to children’s services planning.

Three commenters found the guidance to be very broad, not clear, and requiring more explicit language. LGBT Youth Scotland felt it would be helpful to deal with the three concepts together earlier in the guidance and asked for the expectations

¹⁴ None of the responses were categorised as ‘to an extent’ by the analyst

around information and advice in the planning process to be further explained. Two local government respondents felt that the guidance offered no discussion on the financial and resource implications of what has been outlined.

A further four comments discussed working with others:

- Willingness and capacity may well differ with competing priorities for available manpower and time (Perth and Kinross Council).
- Making this a statutory requirement could presumably help if partnership working is not co-operative, supportive or helpful (North Ayrshire Children's Services Strategic Partnership).
- More emphasis on a collaborative approach to writing and developing plans to ensure meaningful and productive (Scottish Borders Children and Young People's Leadership Group; and Children 1st and Barnardo's Scotland).

A number of improvements to aid clarity have been suggested. In addition to the one mentioned above, other suggestions included:

- A more explicit mention of the Arm Length External Organisations and third sector providers of children's services within the responsibilities for 'duty of assistance' (2 mentions).
- Include the appendix information in the main text (1 mention).
- Good practice guides to provide information, advice and assistance during the planning and review process (1 mention).
- Would welcome greater recognition of the wealth of knowledge and expertise third sector organisations have in this regard (1 mention).

Question Five

Is the guidance sufficiently clear about what a “reasonable request” is in the context of preparing and implementing a children’s services plan? How could this be improved?

Again, only 43 responded to question five, with 31 finding the guidance sufficiently clear in what a “reasonable request” is. Twelve respondents felt it was not clear; primarily, local government and third sector organisations. Twenty-nine comments were provided. More details can be found in the table below¹⁵.

Table 11: Question Five response breakdown

	Yes	No	Not answered	Comments
Academic	1	0	0	0
Health Board	7	0	0	5
Individual	3	0	0	0
Local Government	6	5	1	10
Local Partnership	3	1	1	3
Public Body	4	1	7	1
Representative Body	1	0	3	0
Third Sector	6	5	3	10
	31	12		
Total	43		15	29

Eight commenters felt that the guidance regarding a ‘reasonable request’ was clear and satisfactory. NHS Lanarkshire particularly valued the references made regarding the duties of the community planning partnerships, and YouthLink Scotland welcomed section 14 on assistance (page 50-52). LGBT Youth Scotland felt that the guidance was broad, but appreciated this in terms of flexibility.

A handful of commenters found the guidance to not be clear (1 mention), requiring more explicit language (1 mention), and more detail about how it will work (3 mentions).

Glasgow Council for the Voluntary Sector mentioned concerns on how the guidance will translate: “Often at a strategic level, the terminology and language is fine for the purpose. This issue is how it translates into reality”. Six commenters felt that what is reasonable will greatly depend on a range of factors as well as being open for interpretation and context specific. Two such commenters raised concerns regarding what (if any) sanctions are in place if an organisations does not comply.

¹⁵ None of the responses were categorised as ‘to an extent’ by the analyst

Connected to this, 10 commenters, majority of which came from third sector organisations, had concerns regarding capacity of those being asked to assist. With many of the comments pointing to potentially limited resources. One respondent proposed:

“Within the explanation of reasonable request it should be added that this is on the basis of a generally understood level of capacity and capability for similar individuals / organisations”
(National Parent Forum of Scotland).

NHS Tayside suggested that “to relieve concerns of smaller third sector organisations “reasonable request” should be followed by proportionate to size and scope of the organisation”. With another commenter suggesting that support and resources must be made available when commissioning third sector organisations.

Providing a different perspective, East Ayrshire Health and Social Care Partnership, suggested that to create a shared understanding of a ‘reasonable request’: “greater emphasis on the “requirement” for partnership working to ensure that information is gathered well in advance of a Service Plan being devised or evaluated” would be required.

A small number of suggestions were provided to improve the clarity of the guidance:

- Providing examples would help understanding (4 mentions)
- Would benefit from being more explicit about other parts of the act and connect with other legislation (3 mentions).
- Clarifications are needed in the guidance regarding terms of quality of service to ensure they do not just become targets (1 mention).

Question Six

Is the description of the links between the duties under Part Three of the guidance and other statutory and non-statutory planning requirements clear and useful?

There were only 42 responses to this sixth question on Part Three of the guidance. Twenty-eight of which felt that the guidance was sufficiently clear and useful regarding the links between Part Three and other planning requirements. This included the majority of local government and public body respondents; though it should be noted a large proportion of public body respondents did not answer this question. Fourteen respondents, primarily third sector organisations, felt the guidance was not clear on the links. Thirty-six comments were provided. More details can be found in the table below¹⁶.

Table 12: Question Five response breakdown

	Yes	No	Not answered	Comments
Academic	1	0	0	1
Health Board	4	2	1	5
Individual	3	0	0	0
Local Government	9	2	1	11
Local Partnership	2	2	1	4
Public Body	4	1	7	3
Representative Body	0	1	3	1
Third Sector	5	6	3	11
	28	14		
Total	42		16	36

Ten commenters found the descriptions of links between the duties under Part Three and other planning requirements to be clear. Three commenters found that important links are made and recognised the potential to avoid duplication of effort and resources. The schematic on page 60 of the guidance detailing the statutory planning framework for children's services was seen to be particularly helpful. Though one commenter was initially confused by the diagram, assuming it was mapping all planning requirements instead of just the ones relating to the Act. Two commenters found Appendix B (regarding Part Three duties by person(s) and organisation, page 78) and C (covering the statutory planning and reporting requirements, pages 79-91) to be useful.

More consideration and links are needed to connect to Part One duties with Part Three guidance for seven commenters. A suggestion from one commenter – “put the

¹⁶ None of the responses were categorised as 'to an extent' by the analyst

table in part 1 appendix 3 into part 3 of the guidance. It highlights how UNCRC should underpin the plan and how UNCRC links to wellbeing indicators” (Anonymous). Two commenters felt the connections between Part One (section two) and Three is not as clear in the guidance for Part Three as it is in the guidance for Part One (section two).

Connected to this:

- Four commenters felt the guidance should link to further legislation and policy throughout. A recurring theme from throughout the consultation.
- Two commenters suggested including a diagrammatic representation or framework of the linkages to aid in understanding.
- Four commenters welcomed the inclusion of a summary of planning and reporting requirements, especially for those working with local and national organisations.
- Glasgow City Children's Services warned however there is a need to ensure that the links show consistency of vision and direction, rather than simply duplication of content.

A small number of comments were raised regarding time. Two commenters felt that a timeline connecting across planning requirements would be useful. Perth and Kinross Council wondered whether the interconnectedness of the proposed planning could be constraining in terms of time.

Other comments were raised including:

- Concerns regarding the absence of children and young people’s voices, and those of the wider communities in the planning process (3 mentions).
Reiterating previous comments across the consultation.
- Would welcome the services provided for looked after and care experienced young people up to the age of 26 to be part of the plan (2 mentions).
- Unclear what is meant by ‘holistic’ in this aspect of the guidance (1 mention).
- Better consistency is needed between details in the appendices and figure 1 (page 60) (1 mention).

Question Seven

What other comments do you have on the Part Three guidance?
Please cite specific parts of the guidance if relevant.

Thirty-seven respondents (out of 58 total) provided additional comments on Part Three guidance.

In general, the guidance was well received. Some commenters (6) considered the guidance to be well-constructed, balanced, clear and useful. Two commenters said they were looking forward to working in a more 'joined up' and partnership led environment of children's services planning. Appendices B (the part three duties by person(s) and organisation) and C (regarding the statutory planning and reporting requirements) were also considered particularly helpful (3 mentions).

Two commenters found the guidance to be repetitive and a further two felt it was excessively long. Timescales were seen to be too tight and unrealistic (1 mention) and the ones proposed were considered at odds with local timelines already in place (1 mention). Connected to this, three commenters, felt that the guidance sits at odds with local democracy and with community planning legislation by being over-prescriptive.

Many of the comments made recommendations of alternative phrasing, formatting, and clarifications regarding the guidance. A few commenters also asked explicit questions regarding the guidance. All of these have been provided to the policy team involved for consideration. Other comments have been collated thematically and will be discussed in turn.

Children and Young People and Families

- More emphasis is needed on engaging and consulting, throughout the planning process, with children and young people (5 mentions), including those in marginalised groups (1 mention). A theme replicated throughout the consultation. Others also requested more guidance regarding:
 - o Understanding children's and young people's roles in establishing baseline/evidence (1 mention)
 - o Must be clear about the difference between participation and consultation in this regard (1 mention).
- Would like to see Children's Services Plans, or a summary of them, available in accessible formats, ensuring various communication needs are met (3 mentions).
- Pleased to see that annual reports will be made available in accessible formats for all (2 mentions).
- Concerns regarding the age range covered by the guidance, in particular those young people being looked after, in care or unaccompanied minor asylum seekers, and how they are represented in other relevant legislation (2 mentions).
- Would welcome more explicit reference to the promotion of understanding of children's rights by children, young people and families (1 mention).

Links

- More connections with related legislation and policy e.g. Community Empowerment Act (4 mentions). Again, replicating the theme from across the consultation.
- There is a need to link the duties under Part Three to other guidance (including Part One (section two)), statutory and non-statutory requirements (3 mentions).
- Improve connections with UNCRC articles to the service planning requirements (1 mention).

Evidence

- More emphasis on making greater use of evidence based interventions (1 mention).
- There is a need for comprehensive baseline information and its importance stressed (2 mentions). The theme is replicated across the consultation.
- More guidance is needed on collecting and analysing information relating to service performance (1 mention).

Planning in Practice and Logistics

- Plans should be called the same thing across Scotland to ensure consistency and understanding across Scotland (1 mention).
- Plans should have delivery plans attached to them (1 mention).
- Suggest that any prescribed reports are given the status by Scottish Government of being Statutory Performance Reports, and as such would replace – rather than be in addition - to the current returns required of local authorities and NHS Boards (1 mention).
- Would encourage the Scottish Government to consider a reduction in the number of national audit, inspection and improvement bodies (1 mention).
- It would be useful to clarify the role of services covered within the guidance which would be delivered by Arm Length External Organisations (ALEOs), how these organisations would interact and how they would be monitored (1 mention).
- Although there is no statutory requirement for other service providers to be consulted in the course of the annual review of the Plan, a strong encouragement of this as good practice within the guidance would be welcome (1 mention).

General Improvement Suggestions

- The guidance needs to be more specific around the role of the third sector (4 mentions). One additional commenter was happy that the guidance acknowledged the important role of the third sector.
- More examples of good practice would be welcomed (5 mentions). Particular examples were suggested:
 - o Structuring plans content around the wellbeing indicators.
 - o Regarding outcome definitions and indicators.
 - o How data can be used to evidence progress.
 - o Illustrations of 'reasonable requests' or 'information, advice and assistance' to/from different types of service provider.
 - o Ways in which partnerships can develop shared data-gathering and analysis processes in relation to review and reporting requirements.
 - o Good strategic commissioning.
- Figure 1 (on page 60) regarding statutory planning framework for children's services, is unclear and needs to be clarified (2 mentions).

- A summary of the guidance would be useful, particularly for day-to-day use (2 mentions).
- Reference to the importance of quality improvement and improvement science (1 mention).
- Child protection must continue to be important part of the plans, it is overlooked to an extent currently (1 mention).

This analysis of additional comments is not exhaustive of the comments provided. The comments and points included are a representative sample and summary of those obtained. All other recommendations will be provided to the policy team separately.

Annex A: List of organisations / individuals who responded

Aberdeen City Council
Aberdeenshire GIRFEC Leadership and Management Groups
Anonymous responses
Argyll and Bute Council
Care Inspectorate
CEN/NHS Fife
Centre for Youth and Criminal Justice (CYCJ)
Child Health Commissioner
Child Poverty Action Group (CPAG)
Children and Young People's Commissioner Scotland
Children 1st and Barnardo's Scotland
Children and Young People's Commissioner
Children in Scotland
Children's Hearings Scotland
Coalition of Care and Support Providers in Scotland
East Ayrshire Health & Social Care Partnership
Enable
Faculty of Advocates
Falkirk Children's Commission
Fife Community Planning Partnership
Glasgow City Children's Services
Glasgow Council for the Voluntary Sector
Healthcare Improvement Scotland
International Play Association (IPA) Scotland
Inverclyde Health and Social Care Partnership
LGBT Youth Scotland
National Parent Forum of Scotland
NHS Ayrshire and Arran
NHS Forth Valley Children and Young Persons Strategy Group
NHS Greater Glasgow and Clyde
NHS Lanarkshire
NHS Tayside
North Ayrshire Children's Services Strategic Partnership
North Lanarkshire Council
Perth and Kinross Council
Play Scotland
Police Scotland
Royal College of Nursing Scotland
Scottish Borders Children and Young People's Leadership Group
Scottish Courts and Tribunals Service
Sharon McCafferty
Skills Development Scotland
sportscotland
The Law Society of Scotland
The National Deaf Children's Society
The Scottish Legal Aid Board
Together (Scottish Alliance for Children's Rights)
West Dunbartonshire Health and Social Care Partnership
West Lothian Council
YouthLink Scotland



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